

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **July 12, 2005**

AGENDA ITEM NO.: 5

CONSENT:

REGULAR: **X**

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: Public Hearing to Authorize the Lynchburg Redevelopment and Housing Authority (LRHA) To Pursue Acquisition of Blighted Property at 1402 Fillmore Street

RECOMMENDATION:

Adopt a resolution authorizing LRHA to pursue acquisition of blighted property at 1402 Fillmore Street under Section 36-19.5 of the Code of Virginia.

SUMMARY:

Please see attached information from LRHA including notification to the property owners.

PRIOR ACTION(S):

NA

FISCAL IMPACT:

NA

CONTACT(S):

Edward H. McCann 845-9011

ATTACHMENT(S):

- Resolution
- Letter from LRHA

REVIEWED BY: lkp

RESOLUTION AUTHORIZING THE ACQUISITION OF REAL PROPERTY

WHEREAS, it appearing to City Council from the evidence presented at the public hearing that the structure located at 1402 Fillmore Street, parcel 009-05-017 (i) has deteriorated to such an extent as to constitute a serious and growing menace to the public health, safety and welfare; (ii) that such structure is likely to continue to deteriorate unless corrected; (iii) that the continued deterioration of such structure will contribute to the blighting or deterioration of the area immediately surrounding 1402 Fillmore Street; (iv) that the owner of 1402 Fillmore Street was given 60 days notice by certified mail of the condition of the structure and has failed to correct the deterioration; and (v) that 1402 Fillmore Street lies within the Lynchburg Redevelopment and Housing Authority's area of operation;

NOW, THEREFORE BE IT RESOLVED that as provided by Section 36-19.5 of the Code of Virginia the Lynchburg City Council does hereby authorize the Lynchburg Redevelopment and Housing Authority to acquire the property located at 1402 Fillmore Street by purchase, lease, gift or through the exercise of eminent domain for the purpose of development and redevelopment, including, but not limited to, the renovation, rehabilitation and disposition of the structure at 1402 Fillmore Street;

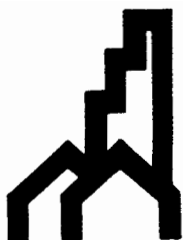
BE IT FURTHER RESOLVED that the Lynchburg Redevelopment and Housing Authority is hereby designated and authorized to act on the City's behalf in the acquisition of the property at 1402 Fillmore Street.

Adopted:

Certified:

Clerk of Council

086P



LYNCHBURG REDEVELOPMENT AND HOUSING AUTHORITY

918 COMMERCE ST. P.O. BOX 1298, LYNCHBURG, VIRGINIA 24505 (434) 845-9011

EDWARD H. McCANN
Executive Director

June 3, 2005

Mrs. Patricia W. Kost
Clerk of City Council
900 Church Street
Lynchburg, Virginia 24504

Dear Mrs. Kost:

The Authority staff has been working with the City's Inspections Division to address the blighted property located at 1402 Fillmore Street, parcel 026-18-001. This property is located directly behind the Robert S. Payne Elementary School's playground. The City's Community Development staff has received complaints about this property, and it has been cited by the city's inspections department for code violations. It was condemned and determined unsafe for human habitation by the inspections department on June 5, 2002. The inspections department referred the property to the Authority in February 2005. Our staff has also inspected the property noting code violations and deficiencies resulting in its blighted condition. The owner was notified by the Authority by certified mail of the deficiencies under section 36-19.5 of the Code of Virginia and given notice to submit either a written plan of correction within 30 days or to correct the deficiencies within 60 days. The notice sent by certified mail was received by the owner on March 19, 2005. Authority staff has not received any response from the owner and no repairs have been observed to date.

The above Code section provides that an authority may acquire blighted property after a public hearing and approval of such acquisition by the governing body of the city within which the property is located. This is to request that City Council hold a public hearing to consider the request of the Lynchburg Redevelopment and Housing Authority for authorization to acquire these properties pursuant to the above referenced code. Enclosed are copies of the resolutions adopted by the Commissioners of the Authority, proposed resolutions for City Council's consideration, notice sent to the owner and pictures of the property.

Please let me know if you need further information.

Very truly yours,

Edward H. McCann

enclosures

cc: Bob Drane, Building Official
Wayne Craig, Senior Building Inspector

Resolution Authorizing the Executive Director to seek approval of City Council for the acquisition of the property at 1402 Fillmore Street, Parcel 026-18-001, Lynchburg, Virginia pursuant to Code section 36-19.5

WHEREAS, the Commissioners of the Lynchburg Redevelopment and Housing Authority (the Authority) have undertaken the exercise of additional powers granted to the Authority pursuant to section 36-19.5 of the Code of Virginia, as amended; and

WHEREAS, one of the major objectives to be achieved in exercising powers granted to the Authority under Code section 36-19.5 is to prevent single-family or multi-family dwelling units within the Authority's area of operation from contributing to the blighting or deterioration of the area immediately surrounding such dwelling unit as a result of the continued deterioration of such dwelling unit and further, to prevent the deterioration of such dwelling unit to such an extent as to constitute a serious and growing menace to the public health, safety and welfare; and

WHEREAS, the Commissioners of the Authority have made a finding that the dwelling unit located at 1402 Fillmore Street, Lynchburg, Virginia (the property), (i) has deteriorated to such extent as to constitute a serious and growing menace to the public health, safety and welfare; (ii) that the property is likely to continue to deteriorate unless corrected; and (iii) that the continued deterioration of the property may contribute to the blighting or deterioration of the area immediately surrounding the dwelling unit; and

WHEREAS, the Commissioners of the Authority have made a further finding that, unless the property is brought into full compliance with the applicable building codes of the City of Lynchburg, Virginia, the acquisition of the property pursuant to Code section 36-19.5 (B) will further the objectives of, and is necessary for, the purposes of the Authority; and

WHEREAS, as a prerequisite to the acquisition of the property by the City of Lynchburg, on behalf of the Authority, in accordance with Code section 36-19.5 (B), the required notice has been given to the landowner to correct the deterioration of the dwelling unit; and

WHEREAS, the owner has failed to correct the deteriorated condition of the dwelling unit.

THEREFORE, BE IT RESOLVED, by the Commissioners of the Authority that the Executive Director of the Authority, in consultation with the Authority's legal counsel, is hereby authorized and directed to request that the City Council of the City of Lynchburg hold a public hearing to consider the Authority's request to acquire the property at 1402 Fillmore Street, Lynchburg, Virginia, in accordance with the provisions of Code section 36-19.5, for the purpose of development and redevelopment, including, but not limited to, renovation, rehabilitation and disposition of the property.



LYNCHBURG REDEVELOPMENT AND HOUSING AUTHORITY

918 COMMERCE ST. P.O. BOX 1298, LYNCHBURG, VIRGINIA 24505 (434) 845-9011

EDWARD H. McCANN
Executive Director

March 18, 2005

Engel Properties
c/o Dan Engel
85 Westfield Drive
Lynchburg, Virginia 24502

Re: Parcel Number: 026-18-001
1402 Fillmore Street
Lynchburg, Virginia

Dear Mr. Engel:

In a cooperative effort with the City of Lynchburg, the Board of Commissioners of the Lynchburg Redevelopment and Housing Authority has directed our staff to identify residential properties that are deteriorated to such an extent as to constitute a serious and growing menace to the public health, safety and welfare, that are likely to deteriorate unless corrected, and that may contribute to the blighting or deterioration of the surrounding area. We have been made aware of the above property which city records show to be owned by you. We observed the dwelling on December 17, 2004, and more recently on March 1, 2005, and found the following conditions:

Main House

- Condemned June 5, 2002
- Boarded windows
- Broken window panes
- Deteriorated soffits, fascia and cornices
- Peeling paint on trim of entire structure
- Trash and debris around structure
- Electrical wires hanging from the structure
- Weeds and vines growing on rear of structure and rear section of roof

Carriage House

- Sections of slate missing on roof
- Broken and missing window panes
- Boarded windows
- Peeling paint on trim of entire structure
- Sections of roof sheathing deteriorated
- Fascia and eaves deteriorated
- Front porch railing missing
- Windows boarded

We are requesting that you:

1. Present a written plan within thirty (30) calendar days of receipt of this notice for consideration and approval by the Commissioners which would address the correction of these deficiencies and include a timetable and financing arrangements and identify who would complete the work;

or

2. Correct these deficiencies and any other non-compliance with the local building code within sixth (60) days of receipt of this notice.

Should the above plan not be received within thirty (30) days and subsequently approved by the Commissioners and then implemented by you, or, in the alternative, if no plan is presented and these deficiencies are not corrected within the 60 day time period, the Authority Commissioners, pursuant to 36-19.5 Code of Virginia, may request Lynchburg City Council to conduct a public hearing to determine the appropriateness of authorizing the Authority to acquire the property for the purpose of development or redevelopment, including but not limited to, renovation, rehabilitation, and disposition of the property.

Please contact me if you wish to discuss this.

Very truly yours,



Property Address: 1402 Fillmore Street

Owner's Name: Engel Properties

Owner's Address: 85 Westfield Drive, Lynchburg, VA 24502

Parcel No.: 026-18-001

Assessed Value: Land - \$ 10,100 Improvement - \$ 55,900 Total - \$ 66,000



Date of Pictures: December 17, 2004

Deficiencies:

- **Condemned June 5, 2002**
- **Boarded windows**
- **Broken window panes**
- **Deteriorated soffits, fascia and cornices**
- **Peeling paint on trim of entire structure**
- **Trash and debris around structure**
- **Electrical wires hanging from the structure**
- **Weeds and vines growing on rear of structure and rear section of roof**

Carriage House

- **Sections of slate missing on roof**
- **Broken and missing window panes**
- **Boarded windows**
- **Peeling paint on trim of entire structure**
- **Sections of roof sheathing deteriorated**
- **Fascia and eaves deteriorated**
- **Front porch railing missing**
- **Windows boarded**

1402 Fillmore Street

Pictures taken on May 26, 2005

